IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6653 of 2005

Between:

1 V.Venkata Satya Varaha Murthy, s/o Chinna Rao,
r/o A.Annavaram Village, Sankavaram Mandal, E.G.District.
2 K.Narayana Rao, s/o Simhachalam,
r/o A.Annavaram Village, Sankavaram Mandal, E.G.District.
3 K.Chittemma, w/o late Appa Rao,
r/o A.Annavaram Village, Sankavaram Mandal, E.G.District.
4 M.Suryavathi, w/o late Sathi Babu,
r/o A.Annavaram Village, Sankavaram Mandal, E.G.District.
5 M.Veeraswamy, s/o late Krishna Murthy,
r/o A.Annavaram Village, Sankavaram Mandal, E.G.District.
6 S.Satyavathi, w/o late Satyanarayana,
r/o A.Annavaram Village, Sankavaram Mandal, E.G.District.

..... PETITIONERS

AND

1 The District Panchayat Officer, E.G.District at Kakinada.
2 The Executive Officer, A.Annavaram Gram Panchayat,
Sankavaram Mandal, EG District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned action of the respondents in proceeding to hold auction for fresh licenses without considering the representations made by the petitioners for extension of lease in respect of the pretty vending shops of the petitioners as highly illegal, arbitrary and violative of Art.14 and 21 of the Constitution of India.

Counsel for the Petitioner:MR.G.V.SHIVAJI

Counsel for the Respondent No.1: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.2 : Sri. D.Srinivas

The Court at the stage of admission made the following :

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ORDER:

Petitioners claim to be lessees in respect of shops bearing Nos.4, A3, C1, A1, A5 and A6, respectively, situated at New Complex, Annavaram. It is not in dispute that the lease period expires by 31.03.2005. The petitioners state that they made representations on 05.01.2005 seeking extension of lease in their favour stating that they are ready to pay 10 per cent additional lease amount. However, without considering their request for extension of lease period, the respondents are going to lease out the shops in question by putting the same to the public auction. Hence this writ petition.

I have heard learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

Nothing has been placed before this court to show that any tender notification as such has been published with regard to leasehold rights of the shops in question are concerned. At any rate, since the request of the existing lessees for extension of lease is still under consideration, even if any auction is notified, the same shall not be finalized till appropriate orders are passed on the representation of the petitioners.

In the circumstances, without expressing any opinion as to the extension of the lease claimed by the petitioners, the writ petition is disposed of with a direction to the respondents to consider the representations of the petitioners dated 05.01.2005 and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of one week from the date of receipt of this order. Till such orders are passed, the respondents are directed not to finalise the auction in respect of the shops in question. No costs.

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30.03.2005

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To

1 The District Panchayat Officer, E.G.District at Kakinada.
2 The Executive Officer, A.Annavaram Gram Panchayat,
Sankavaram Mandal, EG District.

3 Two C.Cs to the G.P. for Panchayat Raj and Rural Development,
High Court Buildings, Hyderabad (OUT).

4 2 CD copies.